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October 20, 2022

Via ECF

The Honorable Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Governor Andrew M. Cuomo v. New York State Assembly Judiciary Committee*, Case No. 22-mc-03027 (LDH) (MMH)

Trooper 1 v. New York State Police et al., Case No. 22-cv-00893 (LDH) (TAM)

Dear Judge Henry:

I am counsel for Subpoenaed Non-Party New York State Assembly Judiciary Committee (“AJC”) and write pursuant to Federal Rule of Civil Procedure 45(f) and Rule 3 of the Rules for the Division of Business for the Eastern District of New York to request that the *Cuomo* action, assigned to this Court, be transferred to Magistrate Judge Merkl.

The *Cuomo* action was commenced in the United States District Court for the Southern District of New York to compel compliance with a non-party subpoena issued to the AJC as part of the *Trooper 1* action before Judges Hall and Merkl. Pursuant to Rule 45(f), the AJC consented to transfer of the *Cuomo* action “to the issuing court.” The two actions are therefore related, and their consolidation is therefore likely to result in the conservation of judicial resources. We have conferred with counsel for former Governor Cuomo, who support this request for reassignment.

Although the parties respectfully acknowledge that any briefing schedule would be subject to the relevant Magistrate Judge’s approval following disposition of this request for reassignment, the parties wish to notify the Court that they had previously agreed to the briefing schedule below in connection with the AJC’s consent to transfer following the commencement of the *Cuomo* action and the filing of the motion to compel on October 5.

- October 26: AJC files opposition to motion to compel and cross-motion to quash.
- November 9: Cuomo files reply in support of motion to compel and opposition to cross-motion to quash.
- November 16: AJC files reply in support of cross-motion to quash.

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The parties are available to discuss any questions, and appreciate your consideration of this request.

Respectfully submitted,

/s/ Greg Andres
Greg Andres

cc: Counsel of Record (via ECF)
The Honorable Taryn A. Merkl